

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMBROSE H. TYNDALL,

Defendant.

No. 10-CR-4019-DEO

**ORDER ADOPTING REPORT AND
RECOMMENDATION ON PETITION
TO REVOKE SUPERVISED RELEASE**

On March 14, 2012, Chief United States Magistrate Judge Paul A. Zoss held a revocation hearing concerning the First Supplemented and Substituted Petition to Revoke Supervised Release (Docket No. 79). Following the hearing, Judge Zoss issued a Report and Recommendation¹ (R&R, Docket No. 85, 03/14/2012) to this Court. On March 15, 2012, FPD Michael Smart, counsel for Defendant Tyndall, filed "Defendant's Response To Court's Report And Recommendation Filed March 14, 2012" (Docket No. 86), indicating Defendant Tyndall has no objection to the R&R.

Judge Zoss's R&R states in part:

At the hearing, Tyndall admitted to all of the violations alleged in the revocation petition. Accordingly, the court finds by a preponderance of the evidence that

¹ Although the entire contents of the Report and Recommendation will not be repeated, it is hereby referenced and incorporated as if fully set out herein.

Tyndall violated the terms and conditions of his supervised release.

. . .

The undersigned has given careful consideration to the factors set forth in 18 U.S.C. § 3553(a), and recommends as follows. Although the recommended term of imprisonment for a Grade C violation is six to twelve months in light of Tyndall's criminal history category of IV, the undersigned recommends that Tyndall be sentenced to a term of imprisonment of three months.

. . .

In light of the foregoing, the court finds that a sentence of three months' incarceration, with no term of supervised release to follow, furthers the goals of deterrence and incapacitation, reflects the seriousness of Tyndall's revocation conduct, and provides just punishment for such conduct.

(R&R, Docket No. 85).

On March 27, 2012, after this Court's review of the Report and Recommendation and the contents of the entire file, this Court held a conference call involving the parties; more specifically, AUSA Tim Duax, FPD Michael Smart, and U.S. Probation Officer Beth Kraemer. AUSA Tim Duax indicated to the Court that the Government has no objection to the R&R. As previously mentioned, FPD Michael Smart has indicated no objection to the R&R. Although this Court is not in favor of

allowing Defendants to be released from serving any imposed term of supervised release, it is persuaded that this Defendant has exhausted all available supervision recommendations and would no longer benefit from any further imposed term of supervised release.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. For the reasons set forth therein, the Court finds by a preponderance of the evidence that Tyndall violated the terms and conditions of his supervised release. The Government's Petition to Revoke Supervised Release is **GRANTED**. Defendant Tyndall's supervised release is hereby revoked, and he is sentenced to a term of imprisonment of three months, with no term of supervised release to follow upon release from incarceration.

IT IS SO ORDERED this 28th day of March, 2012.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa